

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**OMNIPOINT COMMUNICATIONS, INC.  
d/b/a T-MOBILE,**

*Plaintiff,*

-vs-

**TOWN OF LAGRANGE,  
TOWN OF LAGRANGE ZONING BOARD  
OF APPEALS,  
TOWN OF LAGRANGE PLANNING  
BOARD, AND TOWN OF LAGRANGE  
PLANNING ZONING AND BUILDING  
DEPARTMENT,**

*Defendants.*

**NOTICE OF PLAINTIFF'S  
MOTION TO AMEND THE  
COMPLAINT**

Civil Action No. 08-CV-2201  
(WCC) (GAY)  
(ECF Case)

PLEASE TAKE NOTICE that Plaintiff, Omnipoint Communications, Inc. d/b/a T-Mobile, will and hereby does move for an Order pursuant to Federal Rule of Civil Procedure 15(c) granting Plaintiff leave to amend the Complaint in the form attached as Exhibit A to the Declaration of Jon P. Devendorf and to add Omnipoint NY MTA License, LLC as a party to this action.

This motion is based UPON (1) this Notice of Motion; (2) the Declaration of Jon P. Devendorf with attached exhibits; and (3) the Memorandum of Law in Support of Plaintiff's Motion to Amend.

Dated: April 3, 2008

**HISCOCK & BARCLAY, LLP**

By: s/Jon P. Devendorf  
Gabriel M. Nugent (GN2439)  
Jon P. Devendorf (JD2724)

*Attorneys for Plaintiff*

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T-Mobile

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**CERTIFICATE OF SERVICE**

I certify that on April 3, 2008, I filed a copy of the foregoing document with the Clerk of the Court via the CM/ECF system, which gave notice to the following attorney:

Rebecca A. Valk  
Van De Water & Van De Water, LLP  
40 Garden Street  
P.O. Box 112  
Poughkeepsie, New York 12602

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s/Jon P. Devendorf  
Jon P. Devendorf